

BENJAMIN GREGG.

MARCH 1, 1860.—Laid on the table, and ordered to be printed.

Mr. WALTON, from the Committee on Claims, made the following

REPORT.

*The committee on Claims, to whom was referred the petition of Benjamin Gregg, "for damages sustained during the war of 1812," have had the same under consideration, and beg leave to report:*

The petitioner alleges that "in December, 1813, he occupied a dwelling-house in the town of Buffalo, with his family, and that on demand of the officer in command, he permitted one-half of his said dwelling-house to be occupied by a portion of the troops of the United States, together with their arms and munitions of war. That on or about the last of December, 1813, during the invasion of the village of Buffalo by the British forces, and whilst petitioner's dwelling-house was still occupied by the troops and arms of the United States, it was set fire to by the British and burned down, together with all the personal property and furniture therein, belonging to your petitioner, to the actual value of more than six hundred dollars." Such are the allegations of the petitioner, and it will be perceived that he does not pretend to charge that his dwelling was burned *in consequence of* its military occupation by the United States troops, but that it happened to be so occupied when destroyed. It is a well-known historical fact that the village of Buffalo was burned by the British troops regardless of the manner in which the houses were occupied and used, and it may be the dwelling-house of the petitioner was involved in the common ruin. Its accidental occupation by the United States furnishes no basis for a claim against the government for indemnity. The act of April 9, 1816, requires that it shall be made to appear that the *military* occupation was the *cause* of the destruction of the property. This is not pretended by the claimant, nor is such supposed to be the fact. The history of the burning of Buffalo negatives the idea. This committee and Congress have always acted upon the principle as laid down in the law of 1816. An opposite rule would be destructive of public policy. Your committee therefore report back the case and recommend that the prayer of the petitioner be not granted.

